

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

JAMES GORMAN,	)	Case No.: 16-153
	)	
Plaintiff,	)	
	)	Hon.
v.	)	
	)	
CITIGROUP, INC,	)	<b>Demand for Jury Trial</b>
	)	
Defendant.	)	
	)	

**PLAINTIFFS' COMPLAINT**

JAMES GORMAN (Plaintiff), through his attorneys, LAW OFFICES OF RYAN LEE, PLLC, alleges the following against CITIGROUP, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Texas personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Pottsboro, Texas.

6. Plaintiffs are informed, believe, and thereon allege, that Defendant is a national company with a main business office in New York, New York.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

8. In or around October 2015, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff JAMES GORMAN on his cellular telephone at 903-271-2868.

10. Defendant places telephone calls from numbers including, but not limited to, 903-893-9060.

11. Based upon the timing and frequency of Plaintiffs calls and per its prior business practices, each collection call placed by Defendant to Plaintiffs was placed using an automatic telephone dialing system.

12. On October 21, 2015 at 9:30 am, Plaintiff JAMES GORMAN spoke with Defendant's representative "Robert." During the conversation with Defendant's representative, Plaintiff JAMES GORMAN told Defendant to stop calling his cell phone.

13. On October 21, 2015 at 4:30 pm, Plaintiff JAMES GORMAN spoke with Defendant's representative "David." During the conversation with Defendant's representative, Plaintiff JAMES GORMAN again told Defendant to stop calling his cell phone

14. Plaintiffs both revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on their cellular telephones on September 1, 2015.

15. Despite Plaintiffs' request to cease, Defendant placed forty-six (46) calls to Plaintiff JAMES GORMAN between October 21, 2015 and January 4, 2016.

**COUNT I**

**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

16. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
20. All court costs, witness fees and other fees incurred; and
21. Any other relief that this Honorable Court deems appropriate.

Dated: March 3, 2016

RESPECTFULLY SUBMITTED,

LAW OFFICES OF RYAN LEE, PLLC

By: /s/ Ryan Lee.

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